

AUG 07 2002

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Attorney's Docket No. PP01671.003 (35784/208786)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Whitehouse Confirmation No.: 8316
Appl No.: 09/802,365 Group Art Unit: 1646
Filed: March 9, 2001 Examiner: Not yet assigned
For: METHODS AND COMPOSITIONS FOR THE TREATMENT AND
PREVENTION OF ERECTILE DYSFUNCTION

July 29, 2002

Commissioner for Patents
Washington, DC 20231

RESPONSE TO SPECIES ELECTION REQUIREMENT

This is in response to the Office Action dated July 2, 2002, in which the Examiner has required Applicant to elect a single species of growth factor selected from the group consisting of FGF, EFG, PDGF, VEGF, and TFG. If FGF is the elected species of FGF, the Examiner has further required Applicant to elect a single species of FGF selected from the group consisting of SEQ ID NOS:2, 4, 6, and 8. Applicant elects without traverse FGF as the species of growth factor, and provisionally elects with traverse, for the reasons noted below, the species of FGF set forth in SEQ ID NO:4. Claims 1-29 are readable thereon. It is Applicant's understanding that a single species of growth factor and a single species of FGF have been elected for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicant expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the non-elected species of FGF and the non-elected species of growth factors.

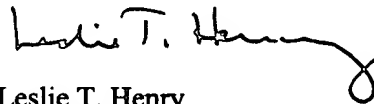
Applicant has provisionally elected with traverse the species of FGF set forth in SEQ ID NO:4. This election is respectfully traversed. SEQ ID NO:4 sets forth the amino acid sequence for the 146-residue form of human FGF-2, while SEQ ID NO:2 sets forth the amino acid sequence for the 146-residue form of bovine FGF-2. These polypeptides reside within the same group of the FGF family of polypeptides. These species of FGF molecules are structurally similar, differing only by two amino acid residues (positions 112 and 128), and carry out similar functions. Applicants respectfully submit that it would not represent an undue burden for the Examiner to search the method claims of the invention where the FGF administered is the two FGF-2 species disclosed in the present application as SEQ ID NOS:2 and 4. Applicants therefore respectfully request examination of the invention with FGF as the

elected species of growth factor, where FGF-2 is represented by SEQ ID NOS:2 and 4 of the Sequence Listing.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

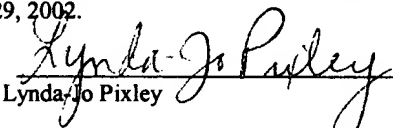
It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Leslie T. Henry
Registration No. 45,714

I hereby certify that this correspondence is being:

<p>CUSTOMER NO. 00826 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260</p>	<p>MAILING</p> <p><input checked="" type="checkbox"/> deposited with the United States Postal service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, Washington, DC 20231 on July 29, 2002.</p>  <p>Lynda Jo Pixley</p>
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